

2116-CV00740

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

BETTY JUNE RALSTON,)
660 N Spring Street, Apt. 711)
Independence, MO 64050)
Plaintiff,)
v.) Case No.
QUIKTRIP CORPORATION.,) Division
Serve Registered Agent:)
CT Corporation System)
120 South Central Avenue)
Clayton, MO 63105)
Defendant.)

PETITION FOR DAMAGES

Plaintiff Betty June Ralston, by and through the undersigned counsel, and for her claims for relief against Defendant QuikTrip Corporation, states, alleges and avers as follows:

PARTIES

1. At all relevant times, Plaintiff Betty June Ralston was and is an individual and resident of Independence, Jackson County, Missouri.
2. At all relevant times, Defendant QuikTrip Corporation was and is a foreign corporation registered to do business in the State of Missouri. Defendant QuikTrip Corporation may be served via their registered agent CT Corporation System at 120 South Central Avenue, Clayton, MO 63105.
3. This Court has personal jurisdiction over Defendant in this matter pursuant to Section 506.500 of the Missouri Revised Statutes.
4. This Court has subject matter jurisdiction in this matter.
5. Venue is proper.

FACTS COMMON TO ALL COUNTS

6. At all relevant times herein, Defendant was the owner and/or possessor of the property located at 201 East 23rd Street S, Independence, MO 64055 (the "Premises").

7. On January 9, 2020, Plaintiff was a business invitee at the Premises, when she tripped over a garden hose that was stretched across the parking lot of the Premises (hereinafter the "Incident").

8. The acts and omissions of Defendant were carried out by its agent, servants and employees, acting within the course and scope of their employment with Defendant.

COUNT I – NEGLIGENCE

9. Plaintiff hereby incorporates by reference all preceding allegations of the Petition for Damages as if full set forth herein.

10. At all relevant times herein, Defendant was the owner of the Premises and/or maintained possession, control and/or maintenance of the Premises where the Incident occurred.

11. Defendant owed a duty to exercise ordinary care to ensure that the Premises were in a reasonably safe and suitable condition for invitees, including Plaintiff.

12. At the time of the Incident, the area where the Incident occurred constituted a dangerous condition in that a garden hose was stretched across the parking lot.

13. Defendant knew or should have known through the exercise of ordinary care that the condition of the Premises at the date and time of the Incident was unreasonably dangerous.

14. Alternatively, Defendant negligently created the dangerous condition or so caused it to be created by negligently maintaining the Premises, such that Defendant had actual notice of said dangerous condition.

15. Defendant breached its duty to Plaintiff when it failed to keep the Premises in a condition that was reasonably safe for Plaintiff and other invitees, and further by failing to remedy or warn Plaintiff of said dangerous condition.

16. As a direct and proximate result of the aforesaid negligence of Defendant, Plaintiff was injured and has suffered and will continue to suffer damages including, but not limited to, those arising from:

- a. Past medical and hospital expenses;
- b. Future medical, hospital and life care expenses;
- c. Past lost wages;
- d. Diminished earning capacity;
- e. Past and future emotional distress;
- f. Pain and suffering;
- g. Mental anguish;
- h. Disfigurement; and
- i. Past and future loss of enjoyment of life.

17. All of Plaintiff's injuries, disabilities, infirmities and damages are permanent, painful, and progressive in nature and extent.

WHEREFORE, based on the foregoing, Plaintiff prays for a judgment against Defendant in excess of \$25,000, Plaintiff's costs incurred herein and for such other and further relief as the Court deems just and proper.

DEMAND FOR A JURY TRIAL

Plaintiff hereby demands a trial by jury on all counts and claims in this cause of action.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ Blaine E. Dickeson

Blaine E. Dickeson #57938

4050 Pennsylvania Ave., Suite 121

Kansas City, MO 64111

Phone: (816) 888-7501

Fax: (816) 888-7519

E-mail: blaine.dickeson@dmlawusa.com

ATTORNEYS FOR PLAINTIFF

**IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE**

BETTY JUNE RALSTON,

PLAINTIFF(S),

VS.

**CASE NO. 2116-CV00740
DIVISION 12**

QUIKTRIP CORPORATION,

DEFENDANT(S).

**NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE
AND ORDER FOR MEDIATION**

NOTICE IS HEREBY GIVEN that a Case Management Conference will be held with the Honorable **JENNIFER PHILLIPS** on **03-MAY-2021** in **DIVISION 12** at **10:00 AM**. All Applications for Continuance of a Case Management Conference should be filed on or before Wednesday of the week prior to the case management setting. Applications for Continuance of a Case Management Conference shall comply with Supreme Court Rule and 16th Cir. R. 34.1. Continuance of a Case Management Conference will only be granted for good cause shown because it is the desire of the Court to meet with counsel and parties in all cases within the first 4 months that a case has been on file. All counsel and parties are directed to check Case.NET on the 16th Judicial Circuit web site at www.16thcircuit.org after filing an application for continuance to determine whether or not it has been granted.

A lead attorney of record must be designated for each party as required by Local Rule 3.5.1. A separate pleading designating the lead attorney of record shall be filed by each party as described in Local Rule 3.5.2. The parties are advised that if they do not file a separate pleading designating lead counsel, even in situations where there is only one attorney representing the party, JIS will not be updated by civil records department, and copies of orders will be sent to the address currently shown in JIS. Civil Records does not update attorney information from answers or other pleadings. The Designation of Lead Attorney pleading shall contain the name of lead counsel, firm name, mailing address, phone number, FAX number and E-mail address of the attorney who is lead counsel.

At the Case Management Conference, counsel should be prepared to address at least the following:

- a. A trial setting;
- b. Expert Witness Disclosure Cutoff Date;
- c. A schedule for the orderly preparation of the case for trial;
- d. Any issues which require input or action by the Court;
- e. The status of settlement negotiations.

MEDIATION

The parties are ordered to participate in mediation pursuant to Supreme Court Rule 17. Mediation shall be completed within 10 months after the date the case is filed for complex cases, and 6 months after the date the case is filed for other circuit cases, unless otherwise ordered by the Court. Each party shall personally appear at the mediation and participate in the process. In the event a party does not have the authority to enter into a settlement, then a representative of the entity that does have actual authority to enter into a settlement on behalf of the party shall also personally attend the mediations with the party.

The parties shall confer and select a mutually agreeable person to act as mediator in this case. If the parties are unable to agree on a mediator the court will appoint a mediator at the Case Management Conference.

Each party shall pay their respective pro-rata cost of the mediation directly to the mediator.

POLICIES/PROCEDURES

Please refer to the Court's web page www.16thcircuit.org for division policies and procedural information listed by each judge.

/S/ JENNIFER PHILLIPS
JENNIFER PHILLIPS, Circuit Judge

Certificate of Service

This is to certify that a copy of the foregoing was electronic noticed, faxed, emailed and/or mailed or hand delivered to the plaintiff with the delivery of the file-stamped copy of the petition. It is further certified that a copy of the foregoing will be served with the summons on each defendant named in this action.

Attorney for Plaintiff(s):

BLAINE EDWARD DICKESON, 4050 PENNSYLVANIA AVE, SUITE 121, KANSAS CITY, MO 64111

Defendant(s):

QUIKTRIP CORPORATION

Dated: 12-JAN-2021

MARY A. MARQUEZ
Court Administrator

2116-CV00740

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

BETTY JUNE RALSTON,)	
)	
Plaintiff,)	
)	
v.)	Case No.
)	
QUIKTRIP CORPORATION.,)	Division
Serve Registered Agent:)	
CT Corporation System)	
120 South Central Avenue)	
Clayton, MO 63105)	
)	
Defendant.)	

MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER

COMES NOW Plaintiff by and through counsel, and pursuant to Local Rule 4.9 of Jackson County Court Rules, hereby moves for the appointment KC Progressive:

Joseph M Powers	PPS21-0014	Samuel Simpson	PPS21-0020	Michael Imber	PPS21-0470
Katherine Barnes	PPS21-0001	John Laylin	PPS21-0011	Angela Molt	PPS21-0462
Michael V. Russell	PPS21-0019	Brent Kirkhart	PPS21-0051	Mark Rauss	PPS21-0075
Jessica Coffel	PPS21-0004	Janice Kirkhart	PPS21-0052	Tawanda Johnson	PPS21-0048

as private process servers in the above-captioned matter. In support of said motion, Plaintiff states that the above-named individuals are on the Court's list of approved process servers and the information contained in their applications and affidavits on file is current and still correct.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ Blaine E. Dickeson
 Blaine E. Dickeson #57938
 4050 Pennsylvania Ave., Suite 121
 Kansas City, MO 64111
 Phone: (816) 888-7501
 Fax: (816) 888-7519
 E-mail: blaine.dickeson@dmlawusa.com
ATTORNEYS FOR PLAINTIFF

ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and the above-named individuals are hereby appointed to serve process in the above captioned matter.

DATE: _____

Judge or Circuit Clerk

2116-CV00740

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

BETTY JUNE RALSTON,)
v. Plaintiff,) Case No.
QUIKTRIP CORPORATION.,) Division
Serve Registered Agent:)
CT Corporation System)
120 South Central Avenue)
Clayton, MO 63105)
Defendant.)

PLAINTIFF'S DESIGNATION OF LEAD COUNSEL

Pursuant to Local Rule 3.5, Plaintiff hereby designates Blaine E. Dickeson of the law firm of DiPasquale Moore, LLC as the lead attorney of record for Plaintiff.

Respectfully submitted,

DIPASQUALE MOORE, LLC

/s/ Blaine E. Dickeson _____ #57938
Blaine E. Dickeson
4050 Pennsylvania Ave., Suite 121
Kansas City, MO 64111
Phone: (816) 888-7501
Fax: (816) 888-7519
E-mail: blaine.dickeson@dmlawusa.com
ATTORNEYS FOR PLAINTIFF

2116-CV00740

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
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BETTY JUNE RALSTON,)	
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Respectfully submitted,

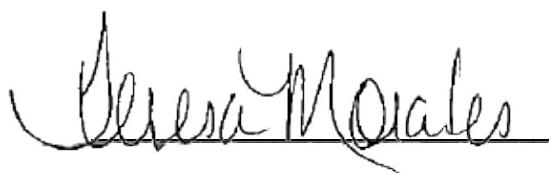
DIPASQUALE MOORE, LLC

/s/ Blaine E. Dickeson
 Blaine E. Dickeson #57938
 4050 Pennsylvania Ave., Suite 121
 Kansas City, MO 64111
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ATTORNEYS FOR PLAINTIFF

ORDER FOR APPOINTMENT OF PRIVATE PROCESS SERVER

It is hereby ordered that Plaintiff's Motion for Appointment of Private Process Server is sustained and the above-named individuals are hereby appointed to serve process in the above captioned matter.

DATE: 12-Jan-2021



DEPUTY COURT ADMINISTRATOR



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2116-CV00740
Plaintiff/Petitioner: BETTY JUNE RALSTON	Plaintiff's/Petitioner's Attorney/Address BLAINE EDWARD DICKESON 4050 PENNSYLVANIA AVE SUITE 121 KANSAS CITY, MO 64111
vs. Defendant/Respondent: QUIKTRIP CORPORATION	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: QUIKTRIP CORPORATION

Alias:

PRIVATE PROCESS SERVER

RA: CT CORPORATION
120 SOUTH CENTRAL AVENUE
CLAYTON, MO 63105



JACKSON COUNTY

You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition.

12-JAN-2021
Date

Clerk

Further Information:

Sheriff's or Server's Return

Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.

I certify that I have served the above summons by: (check one)

- delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.
 leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.
 (for service on a corporation) delivering a copy of the summons and a copy of the petition to

_____ (name) _____ (title).

other _____.

Served at _____ (address)

in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Must be sworn before a notary public if not served by an authorized officer:

(Seal)

Subscribed and sworn to before me on _____ (date).

My commission expires: _____

Date

Notary Public

Sheriff's Fees

Summons \$ _____

Non Est \$ _____

Sheriff's Deputy Salary

Supplemental Surcharge \$ 10.00

Mileage \$ _____ (_____ miles @ \$. _____ per mile)

Total \$ _____

A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

SUMMONS/GARNISHMENT SERVICE PACKETS ATTORNEY INFORMATION

Under the Missouri e-filing system now utilized by the 16th Judicial Circuit Court, once a case has been accepted for filing, a clerk prepares the necessary documents for service. The summons/garnishment is sent to the attorney by an e-mail containing a link so that the filer may print and deliver the summons/garnishment, pleadings and any other necessary documents to the person designated to serve the documents.

Pursuant to State statutes, Supreme Court Rules and Local Court Rules, attorneys are required to print, attach and serve specific documents with certain types of Petitions and other filings.

Please refer to the Court's website for instructions on how to assemble the service packets at:

16thcircuit.org → Electronic Filing Information → Required Documents for Service – eFiled cases → Summons/Garnishment Service Packet Information.

Please review this information periodically, as revisions are frequently made. Thank you.

Circuit Court of Jackson County

IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

BETTY JUNE RALSTON,

Plaintiff(s),
vs.

Case No.: 2116-CV00740

QUIKTRIP CORPORATION,

Defendant(s).

AFFIDAVIT OF SERVICE

Court Date: Court Time:
QUIKTRIP CORPORATION

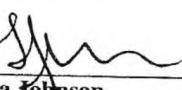
I, Tawanda Johnson, depose and say that:

On **01/22/2021** at **12:05 PM**, I served the within **SUMMONS IN CIVIL CASE;PETITION FOR DAMAGES;NOTICE OF CASE MANAGEMENT CONFERENCE FOR CIVIL CASE AND ORDER FOR MEDIATION;MOTION FOR APPOINTMENT OF PRIVATE PROCESS SERVER** on **QUIKTRIP CORPORATION** at **120 SOUTH CENTRAL AVENUE RA: CT CORPORATION, CLAYTON, MO, 63105** in the manner indicated below:

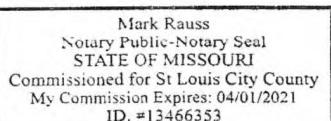
CORPORATE SERVICE By delivering a true copy of this process with the date and hour of service endorsed thereon by me, a copy of the complaint, petition, or other initial pleading or paper (if any) to Bonnie Love, INTAKE SPECIALIST of the above named entity and informing him/her of the contents.

Signed and sworn to before me on
this 22 day of JAN, 2021.

Tawanda Johnson

X 
Tawanda Johnson

License(s): PPS21-0048



ID# 21-SMCC-232



74804



IN THE 16TH JUDICIAL CIRCUIT COURT, JACKSON COUNTY, MISSOURI

Judge or Division: JENNIFER PHILLIPS	Case Number: 2116-CV00740
Plaintiff/Petitioner: BETTY JUNE RALSTON vs.	Plaintiff's/Petitioner's Attorney/Address BLAINE EDWARD DICKESON 4050 PENNSYLVANIA AVE SUITE 121 KANSAS CITY, MO 64111
Defendant/Respondent: QUIKTRIP CORPORATION	Court Address: 308 W Kansas INDEPENDENCE, MO 64050
Nature of Suit: CC Pers Injury-Other	(Date File Stamp)

Summons in Civil Case

The State of Missouri to: QUIKTRIP CORPORATION RA: CT CORPORATION 120 SOUTH CENTRAL AVENUE CLAYTON, MO 63105	Alias: PRIVATE PROCESS SERVER  JACKSON COUNTY You are summoned to appear before this court and to file your pleading to the petition, a copy of which is attached, and to serve a copy of your pleading upon the attorney for Plaintiff/Petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may be taken against you for the relief demanded in the petition. 12-JAN-2021 Date  Clerk												
Sheriff's or Server's Return													
<p>Note to serving officer: Summons should be returned to the court within thirty days after the date of issue.</p> <p>I certify that I have served the above summons by: (check one)</p> <p><input type="checkbox"/> delivering a copy of the summons and a copy of the petition to the Defendant/Respondent.</p> <p><input type="checkbox"/> leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the Defendant/Respondent with _____ a person of the Defendant's/Respondent's family over the age of 15 years who permanently resides with the Defendant/Respondent.</p> <p><input type="checkbox"/> (for service on a corporation) delivering a copy of the summons and a copy of the petition to _____</p> <p>_____ (name) _____ (title).</p> <p><input type="checkbox"/> other _____</p> <p>Served at _____ (address)</p> <p>in _____ (County/City of St. Louis), MO, on _____ (date) at _____ (time).</p>													
<p>Printed Name of Sheriff or Server _____ Signature of Sheriff or Server _____</p> <p>Must be sworn before a notary public if not served by an authorized officer:</p> <p>(Seal) Subscribed and sworn to before me on _____ (date).</p> <p>My commission expires: _____ Date _____ Notary Public _____</p>													
<p>Sheriff's Fees</p> <table> <tr> <td>Summons</td> <td>\$ _____</td> </tr> <tr> <td>Non Est</td> <td>\$ _____</td> </tr> <tr> <td>Sheriff's Deputy Salary</td> <td>\$ _____</td> </tr> <tr> <td>Supplemental Surcharge</td> <td>\$ 10.00</td> </tr> <tr> <td>Mileage</td> <td>\$ _____ (_____ miles @ \$. _____ per mile)</td> </tr> <tr> <td>Total</td> <td>\$ _____</td> </tr> </table> <p>A copy of the summons and a copy of the petition must be served on each Defendant/Respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.</p>		Summons	\$ _____	Non Est	\$ _____	Sheriff's Deputy Salary	\$ _____	Supplemental Surcharge	\$ 10.00	Mileage	\$ _____ (_____ miles @ \$. _____ per mile)	Total	\$ _____
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IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

BETTY JUNE RALSTON,)
vs. Plaintiff,) Case No. 2116-CV00740
QUIKTRIP CORPORATION,)
Defendant.)

**DEFENDANT QUIKTRIP CORPORATION'S ANSWER &
AFFIRMATIVE DEFENSES**

Defendant QuikTrip Corporation ("QT"), by and through counsel, submits the following
Answer to Plaintiff's Petition for Damages:

PARTIES

1. QT lacks sufficient information or knowledge to admit or deny the allegations in
paragraph 1 and therefore denies the same.

2. In response to paragraph 2, QT admits it is an Oklahoma corporation that is
authorized to conduct business in Missouri and that it may be served through its registered agent.

3. The allegations in paragraph 3 contain legal conclusions to which a response is
not required. To the extent a response is deemed required, QT lacks sufficient information or
knowledge to admit or deny the allegations and therefore denies the same.

4. The allegations in paragraph 4 contain legal conclusions to which a response is
not required. To the extent a response is deemed required, QT lacks sufficient information or
knowledge to admit or deny the allegations and therefore denies the same.

5. The allegations in paragraph 5 contain legal conclusions to which a response is not required. To the extent a response is deemed required, QT lacks sufficient information or knowledge to admit or deny the allegations and therefore denies the same.

FACTS COMMON TO ALL COUNTS

6. QT admits it operated Store #155 located at 201 E. 23rd Street, Independence, Missouri on January 9, 2020. QT denies the remaining allegations in paragraph 6.

7. The allegations in paragraph 7 contain legal conclusions to which a response is not required. To the extent a response is deemed required, QT lacks sufficient information or knowledge to admit or deny the allegations and therefore denies the same.

8. The allegations in paragraph 8 contain legal conclusions to which a response is not required. QT denies liability for Plaintiff's alleged incident and damages.

COUNT I – NEGLIGENCE

9. QT incorporates its answer to paragraphs 1 through 8 as if fully set forth herein in response to paragraph 9.

10. QT admits it operated Store #155 located at 201 E. 23rd Street, Independence, Missouri on January 9, 2020. QT denies it owned Store #155 on January 9, 2020. The remaining allegations in paragraph 10 contain legal conclusions to which a response is not required. To the extent a response is deemed required, QT lacks sufficient information or knowledge to admit or deny the allegations and therefore denies the same.

11. The allegations in paragraph 11 contain legal conclusions to which a response is not required. To the extent a response is deemed required, QT admits only the duties imposed on it by law and denies it breached those duties.

12. QT denies the allegations in paragraph 12.

13. QT denies the allegations in paragraph 13.
14. QT denies the allegations in paragraph 14.
15. QT denies the allegations in paragraph 15.
16. QT denies the allegations in paragraph 16, including subparts (a) through (i).
17. QT lacks sufficient information or knowledge to admit or deny the allegations in paragraph 17. QT denies liability for the damages and injuries alleged in paragraph 17.

WHEREFORE, QT prays that Plaintiff take nothing by way of her Petition for Damages, for its costs expended and incurred herein, and for such further relief as the Court deems just and proper.

Jury Trial Demand

Defendant QT demands a trial by jury on all issues so triable.

Affirmative and Additional Defenses

1. QT denies each and every allegation not specifically admitted herein.
2. Plaintiff's Petition for Damages fails to state a claim against QT upon which relief can be granted.
3. If Plaintiff was injured or damaged, which QT denies, to the extent allegations of fault remain as to QT, the fault of Plaintiff and/or other persons or entities involved in the occurrence should be compared and/or apportioned so as to diminish or preclude recovery from QT.
4. Any injuries or damages sustained by Plaintiff, which QT denies, were directly and/or proximately caused or contributed to by Plaintiff's negligence or fault, including failing to keep a lookout, failing to watch where Plaintiff was walking, failing to observe, appreciate, and/or take caution in response to the premise's conditions.

5. Plaintiff failed to use ordinary care while present at QT at or near the time of the alleged occurrence and such failure directly caused or contributed to any and/or all of Plaintiff's alleged damages.

6. Plaintiff failed to keep a careful lookout and such failure caused or contributed to any and/or all of Plaintiff's alleged damages.

7. Any injuries or damages sustained by Plaintiff, which QT denies, were directly and/or proximately caused or contributed to by the negligence or fault of other persons or entities not within QT's control.

8. Any injuries or damages sustained by Plaintiff, which QT denies, were not caused or contributed to in any degree by any negligence, fault or wrongdoing on the part of QT or any QT employees.

9. QT contests the nature and extent of Plaintiff's alleged damages.

10. If Plaintiff suffered any damage, which QT denies, such damages and any recovery should be reduced pursuant to Mo. Rev. Stat. § 490.715.

11. QT is entitled to credit in the amount of any settlement Plaintiff receives from any tortfeasor, as such credit constitutes a satisfaction and offset pursuant to Mo. Rev. Stat. § 537.060.

12. If Plaintiff suffered any damages, which QT denies, Plaintiff failed to comply with the procedures in Mo. Rev. Stat. § 408.040 and is not entitled to prejudgment interest.

13. If Plaintiff suffered any damages, which QT denies, the alleged defect or hazard was open and obvious and Plaintiff's failure to recognize it directly caused and/or contributed to her alleged damages.

14. If Plaintiff suffered any damages, which QT denies, the alleged defect was open and obvious, Plaintiff knew the alleged defect or hazard was present, and Plaintiff assumed any and all risk in going near, on and/or through the alleged defect or hazard.

15. Plaintiff failed to mitigate her damages.

16. QT reserves the right to raise additional affirmative defenses as may be learned through discovery.

WHEREFORE having fully answered Plaintiff's Petition for Damages, QT prays for judgment in its favor and for its costs and reasonable attorney's fees and whatever further relief the Court deems just and proper under the circumstances.

ARMSTRONG TEASDALE LLP

By: /s/ Brian M. Nye
Karrie J. Clinkinbeard #51413
Brian M. Nye #69545
2345 Grand Boulevard, Suite 1500
Kansas City, Missouri 64108-2617
816.221.3420
816.221.0786 (Facsimile)
kclinkinbeard@atllp.com
bnye@atllp.com

ATTORNEYS FOR DEFENDANT
QUIKTRIP CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 16, 2021, a true and accurate copy of the above and foregoing was e-filed with the Court which sent notification to all parties entitled to service.

/s/ Brian M. Nye
ATTORNEY FOR DEFENDANT QUIKTRIP
CORPORATION

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

BETTY JUNE RALSTON,)
vs. Plaintiff,) Case No. 2116-CV00740
QUIKTRIP CORPORATION,)
Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that *Defendant QuikTrip Corporation's First Set of Interrogatories to Plaintiff* and *Defendant QuikTrip Corporation's First Requests for Production to Plaintiff* were served, along with this Certificate of Service, via electronic mail (Microsoft Word and PDF Formats) on Wednesday, February 17, 2021, to:

Blaine E. Dickeson
Dipasquale Moore, LC
4050 Pennsylvania Ave., Suite 121
Kansas City, MO 64111
816.888.7501 / FAX 816.888.7519
Blaine.dickeson@dmlawusa.com
Counsel for Plaintiff

ARMSTRONG TEASDALE LLP

By: /s/ Brian M. Nye
Karrie J. Clinkinbeard #51413
Brian M. Nye #69545
Skyler D. Davenport #70017
2345 Grand Boulevard, Suite 1500
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ATTORNEYS FOR DEFENDANT
QUIKTRIP CORPORATION

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

BETTY JUNE RALSTON,)
Plaintiff,) Case No. 2116-CV00740
vs.)
QUIKTRIP CORPORATION,)
Defendant.)

ENTRY OF APPEARANCE

COMES NOW, Brian M. Nye of the law firm of ARMSTRONG TEASDALE LLP, and enters his appearance on behalf of Defendant QuikTrip Corporation in the above-captioned case.

ARMSTRONG TEASDALE LLP

By: /s/ Brian M. Nye
Karrie J. Clinkinbeard #51413
Brian M. Nye #69545
Skyler D. Davenport #70017
2345 Grand Boulevard, Suite 1500
Kansas City, Missouri 64108-2617
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ATTORNEYS FOR DEFENDANT
QUIKTRIP CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 17, 2021, a true and accurate copy of the above and foregoing was e-filed with the Court which sent notification to all parties entitled to service.

/s/ Brian M. Nye
ATTORNEY FOR DEFENDANT QUIKTRIP
CORPORATION

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

BETTY JUNE RALSTON,)
Plaintiff,) Case No. 2116-CV00740
vs.)
QUIKTRIP CORPORATION,)
Defendant.)

ENTRY OF APPEARANCE

COMES NOW, Karrie J. Clinkinbeard of the law firm of ARMSTRONG TEASDALE LLP, and enters her appearance on behalf of Defendant QuikTrip Corporation in the above-captioned case.

ARMSTRONG TEASDALE LLP

By: */s/ Karrie J. Clinkinbeard*
Karrie J. Clinkinbeard #51413
Brian M. Nye #69545
Skyler D. Davenport #70017
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ATTORNEYS FOR DEFENDANT
QUIKTRIP CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 17, 2021, a true and accurate copy of the above and foregoing was e-filed with the Court which sent notification to all parties entitled to service.

/s/ Karrie J. Clinkinbeard
ATTORNEY FOR DEFENDANT QUIKTRIP
CORPORATION

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

BETTY JUNE RALSTON,)
vs.)
QUIKTRIP CORPORATION,)
Defendant.)

Plaintiff,) Case No. 2116-CV00740

ENTRY OF APPEARANCE

COMES NOW, Skyler D. Davenport of the law firm of ARMSTRONG TEASDALE LLP, and enters his appearance on behalf of Defendant QuikTrip Corporation in the above-captioned case.

ARMSTRONG TEASDALE LLP

By: /s/ Skyler D. Davenport
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ATTORNEYS FOR DEFENDANT
QUIKTRIP CORPORATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 17, 2021, a true and accurate copy of the above and foregoing was e-filed with the Court which sent notification to all parties entitled to service.

/s/ Skyler D. Davenport
ATTORNEY FOR DEFENDANT QUIKTRIP
CORPORATION

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT INDEPENDENCE

BETTY JUNE RALSTON,)
Plaintiff,) Case No. 2116-CV00740
vs.)
QUIKTRIP CORPORATION,)
Defendant.)

CERTIFICATE OF SERVICE

I hereby certify that Plaintiff's Answers to Defendant's First Interrogatories and Plaintiff's Responses to Defendant's First Request for Production of Documents as well as a copy of this Certificate of Service, were transmitted by electronic mail this 19th day of March 2021, to:

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Respectfully submitted,

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